



STATE MINING AND GEOLOGY BOARD

EXECUTIVE OFFICER'S REPORT

For Meeting Date: June 10, 2010

Agenda Item No. 6: Office of Mine Reclamation, Lead Agency Review Team (LART) Report on Sutter County.

INTRODUCTION: In 2007, the Department of Conservation, Office of Mine Reclamation (OMR) established the Lead Agency Review Team (LART). An overview of the LART program was previously presented to the State Mining and Geology Board (SMGB) in July 2009. The LART has completed its lead agency review report for Sutter County, and is presenting a synopsis of its review.

BACKGROUND: California is the only state in the conterminous United States where surface mine reclamation is not regulated at the state level. Most states also maintain permitting authority when it comes to mining regulation; whereas, in California permitting authority is decided at the local level. SMARA pursuant to Public Resources Code (PRC) Section 2728 defines a lead agency as a city, county, San Francisco Bay Conservation and Development Commission (BCDC), or the SMGB which has the principal responsibility for approving a surface mining operation or reclamation plan. Under the California Surface Mining and Reclamation Act of 1975 (SMARA), there are currently 108 lead agencies: 57 counties, 50 cities, and the California State Mining and Geology Board (SMGB).

The 57 counties that serve as lead agencies, contain from 4 to 117 mine sites within their jurisdiction, and average 27.3 mine sites per county. The 50 cities that serve as lead agencies contain from 1 to 35 mine sites within their jurisdiction, and average 3.3 mine sites per city. As a lead agency, the SMGB has assumed authority of two counties (El Dorado County and Yuba County), 10 cities that have not adopted mining ordinances, and 10 Bay Conservation and Development Commission (BCDC) sites.

In 2007, the SMGB published on its website Information Report IR 2006-07 titled "*Report on SMARA Lead Agency Performance Regarding Mine Reclamation.*" This report noted that when a lead agency fails to administer SMARA in an appropriate manner, the SMGB can consider assumption of their SMARA lead agency authority. This evaluation assessed the lead agency's performance of periodic mine inspections, adjustment of annual financial assurances and enforcement of the preparation of Interim Management Plans should a surface mine site be characterized as idle for a period exceeding one year. Based on this review, the overall performance of SMARA lead agencies was found to significantly vary throughout the state. For the most part, overall performance was found to be poor, reflecting



Executive Officer's Report

a number of factors including primarily financial constraints, and limited or absence of technical expertise.

Since 2002, the SMGB has exercised its assumption of lead agency authority for two counties, 10 cities, and 11 marine dredging operations. The SMGB has not yet exercised its assumption authority since publication of this statewide evaluation. Since 2007, the SMGB has, however, reviewed the overall performance of Butte County, Sacramento County, Santa Clara County, San Bernardino County, and Siskiyou County, and assisted to varying degrees in improving their respective programs. In addition, the LART was established to further review the overall performance of SMARA lead agencies, and provide assistance, as deemed necessary.

EXECUTIVE OFFICER'S RECOMMENDATION: The information being provided by OMR is for the SMGB's information. No recommendations are provided by the Executive Officer at this time.

Respectfully submitted:

Stephen M. Testa
Executive Officer

